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Weinberger Backs Death Penalty For Espionage Acts in Peacetime

WASHINGTON, June 12 — Defense Secretary Caspar W. Weinberger said today that a way should be found to execute people who passed military secrets to hostile powers in peacetime.

He said that John A. Walker Jr. and three associates, facing trial on charges of spying for the Soviet Union, "should be shot" if convicted.

Mr. Weinberger said that a committee had been formed to determine whether the Uniform Code of Military Justice should be changed to allow execution of military personnel in peacetime. Under present military law, conviction in a military court on espionage charges carries a mandatory death sentence only in wartime.

When uniformed personnel face a court-martial for peacetime espionage, the military uses civilian law, which calls for a maximum punishment of life imprisonment.

Even if military law was changed, it would not affect the cases of Mr. Walker, the Virginia man accused of forming the Navy spy ring, and the three other men charged in the case because they are to be tried in Federal courts, not by the military.

Civilians convicted of espionage once faced the death penalty, but courts found that unconstitutional.

'Hanging Is Preferred Method'

In an interview with news agencies, including The Associated Press, United Press International and Reuters, Mr. Weinberger said that, "in any case, the death penalty could not be applied retroactively.

Mr. Weinberger was asked if he supported a statement earlier this week by Navy Secretary John F. Lehman Jr. that the death penalty should be imposed against Navy officers and enlisted personnel in such cases.

"I like to think that perhaps I induced that thought," Mr. Weinberger answered. "When asked what I thought should be done if the people were guilty, I said I thought they should be shot, though I supposed hanging is the preferred method."

"That increase in the deterrent aspect of the penalties is being examined very carefully," he added. "We have set up a committee to review the Code of Military Justice, which does not have an espionage section in peacetime. I think a peacetime espionage section will be added without any question."

Mr. Walker, 47 years old, has been charged along with his son, Michael, 22, and older brother, Arthur, 50. A

California man described as John Walker's closest friend, Jerry A. Whitworth, has also been taken into custody.

Except for Michael Walker, a yeoman third class who was arrested while serving aboard the aircraft carrier Nimitz, the arrested men are retired from the Navy.

The Defense Department has agreed to permit the Justice Department to prosecute the four men under civilian law. Mr. Lehman earlier rejected a proposal that the three retired Navy officers be returned to active duty to permit them to be prosecuted in a military court. The proposal was described by some officials as an effort to prevent plea bargaining by the Justice Department.

Mr. Lehman made his decision after Federal prosecutors said publicly that they had no intention of offering leniency to Mr. Walker and the others.

In response to the widening spy case, Mr. Lehman announced on Tuesday that he would halve the number of people who have access to restricted information. He said he would also seek authority to expand the use of polygraphs, or lie detectors, to help uncover spies.

On Capitol Hill, the chairman of the House Armed Services Committee, Representative Les Aspin, said he saw no problem in reducing the number of security clearances or with random use of polygraphs in determining whether employees were involved in espionage.

But Mr. Aspin, a Wisconsin Democrat, cautioned against dependence on lie-detectors.

"You tend to think they're infallible, and they are not," he said. "The problem with relying on them too much is that you might get sloppy about other background checks."

He said he was also not convinced about the need for a peacetime death penalty for espionage. "I question how much deterrence you'd get," he said.